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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,410	12/05/2003	Raymond P. Paolini	0-03-239	9762
7590	12/14/2005		EXAMINER	
Kevin D. McCarthy Roach Brown McCarthy & Gruber, P.C. 1620 Liberty Building 420 Main Street Buffalo, NY 14202			GIBSON, ROY DEAN	
			ART UNIT	PAPER NUMBER
			3739	
DATE MAILED: 12/14/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/728,410	PAOLINI ET AL.	
	Examiner	Art Unit	
	Roy D. Gibson	3739	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-19 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-19 and 21 is/are allowed.
- 6) ☐ Claim(s) 1-9 and 11-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Entry of Amendment

Applicant's amendment filed on Sep. 15, 2005 is acknowledged. Claims 1-9, 11-19 and 21 are currently pending.

Prior Rejections or Objections

The following comments pertain to the rejections or objections in the most recent Office action mailed on March 11, 2005. The prior 103 rejections are withdrawn in light of new grounds of rejection presented below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8-9, 11-12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (6,309,409) in view of Gammons (2005/0107856) and further in view of Islava (6,719,711).

As to claims 1 and 8, Anderson et al. disclose an inflatable blanket comprising: an inflatable apparatus having (a) a flexible base sheet with a plurality of exhaust ports (112), (b) a flexible overlaying sheet attached to the base sheet (110) to define at least one inflatable chamber between the base sheet and the overlaying sheet, (c) an inlet

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port (108) to receive the thermally-controlled inflating medium that can enter the at least one inflatable chamber, and (d) a periphery zone that is uninflatable and not surrounded by the inflatable chamber (Figure 1 and col. 3, line 4-col. 4, line 59).

Anderson et al. further disclose a first and second tie strap for securing the blanket over the patient as illustrated in Figures 1-6, but fails to specifically disclose an elongated tie strap having (a) an attachment that is permanently attached to a non-periphery surface of the inflatable apparatus, and (b) a remaining portion that is removably attached to the non-periphery surface of the inflatable apparatus and extends from the attachment portion a sufficient distance to be able secure the inflatable blanket in place. However, Gammons discloses an inflatable blanket wherein the strap(s) are attached permanently to the non-periphery portion (at 144 of Figure 1) and , Islava discloses an inflatable apparatus (Figures 3 & 4) wherein the strap (80) has an attachment portion (the section over the first fastener strip which is attached to the inflatable portion of the apparatus, Figure 4, # 80 also) and a remaining portion (from the first fastener strip to the far end of the strap) which is removably attached to a second fastener strip (Figure 4) and extends from that attachment portion a sufficient distance to be able to secure the apparatus in place (col. 3, line 34-col. 5, line 40). Therefore, at the time of the invention it would have been obvious to one of ordinary skill in the art to modify the device of Anderson et al., as taught by Gammons and Islava, to provide a tie strap as claimed.

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As to claim 2, "tacked" is interpreted to mean "attached in a slight manner", thus not permanently and that is equivalent to a hook and loop fastener as disclosed by Islava above.

As to claims 3-5 and 9, 11 and 14, Gammons further discloses the remaining portion extends from one or both sides of the attachment portion (Figure 1) and two straps are used to secure the blanket to the patient.

As to claims 6 and 12, Anderson et al. further disclose the tie strap is a pull-strap (Figure 4).

Claims 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al./Gammons/Islava as applied to claim 1 above and further in view of Gatto (2002/0043054). Anderson et al./Gammons/Islava fail to disclose the periphery has at least one slit to receive at least a portion of the remaining portion of the tie strap. But, Gatto discloses a cover screen for a blanket in which the blanket is secured to the patient by a slit in the periphery of the cover which accepts a remaining portion of a tie strap (Figure 2, p. 3, [0031]). Therefore, at the time of the invention it would have been obvious to one of ordinary skill in the art to modify the device of Anderson et al./Gammons/Islava, as taught by Gatto, as an additional means to secure the blanket via the remaining portion of the tie strap.

Allowable Subject Matter

Claims 15-19 and 21 are allowed.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

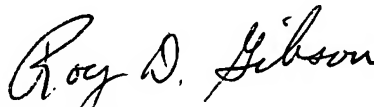
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roy D. Gibson whose telephone number is 571-272-4767. The examiner can normally be reached on Tu-Th, 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda Dvorak can be reached on 571-272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Roy D. Gibson
Primary Examiner
Art Unit 3739

December 8, 2005